

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael J. Gage, et al.
Application No. : 10/036,180
Filed : December 28, 2001
Title : AUTOMATED MULTI-USER PACKAGE RETRIEVAL
AND STORAGE SYSTEM



Grp./Div. : Not assigned yet
Examiner : Not assigned yet

Docket No. : 47639/DRK/C937

DECLARATION OF CHRISTOPHER D. BUNTINE

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, Christopher D. Buntine, hereby declare as follows.

1. I, along with Michael J. Gage, am a joint inventor of the above identified invention ("the invention").
2. At the time I worked together with Mr. Michael J. Gage to invent the invention, we were both employees of CALSTART. At the time of invention, I was (and still am) a senior project engineer with CALSTART. At the time of invention, Mr. Gage was the President of CALSTART.
3. A provisional application on the invention was first filed on or about December 28, 2000. At that time, CALSTART had the law firm of O'Melveny & Myers, LLP prepare and file the provisional application on our behalf. CALSTART changed intellectual property law firms, and used the law firm Christie, Parker & Hale, LLP to prepare and file the non-provisional patent application, which was filed on December 28, 2001.
4. Prior to the preparation and the filing of the instant non-provisional patent application, Mr. Gage left employment with CALSTART and is now the Regional Director for The Trust for Public Land, which has offices in Santa Fe, New Mexico.

Application No. 10/036,180

5. Due to the short time available to execute the formal documents, the non-provisional patent application was filed without a declaration and power of attorney and without an assignment document.

6. A complete copy of the non-provisional patent application was forwarded to me on or about January 2, 2002.

7. Thereafter, I received a letter from Mr. Daniel R. Kimbell, of Christie, Parker & Hale, LLP, wherein he forwarded me a copy of a Notice of Missing Parts of Nonprovisional Application, a Declaration and Power of Attorney, and an Assignment document. Mr. Kimbell asked me to execute these documents, and to forward these documents and a copy of the patent application and have Mr. Gage also execute these documents and return same to him for filing with the Patent Office in advance of April 4, 2002.


8. On or about April 8, 2002, under cover letter dated the same date (Exhibit 1), I sent Mr. Gage, by UPS Next Day Service, a complete copy of the patent application including the specification, the drawings, a declaration and power of Attorney, and an assignment document to his last known address, at 990 Avenida De Amistad, Santa Fe, New Mexico 87505. A receipt and tracking report showing delivery of this letter and its enclosures on March 21, 2002 is attached as Exhibit 2.

9. Thereafter, the present president of Calstart followed up with Mr. Gage, and, as set forth in the declaration of Mr. John Boesel, Mr. Gage has continued to refuse to execute the declaration and power of attorney and the assignment document.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 30, 2002

By: _____



Christopher D. Buntine

DRKdrk

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Docket No. : 47639/DRK/C937

DECLARATION OF JOHN BOESEL

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, John Boesel, hereby declare as follows.

1. I am the president of CALSTART.
2. When Christopher D. Buntine and Michael J. Gage invented the above identified invention, both were employees of CALSTART, and Mr. Gage was the president of CALSTART.
3. Between the time the provisional application upon which the above regular utility patent application was filed and the time the non-provisional patent application was filed on December 28, 2001, Mr. Gage had left the employment of CALSTART.
4. Thereafter, on or about April 8, 2002, Mr. Buntine, at the direction of our patent attorneys Christie, Parker & Hale, LLP, mailed a complete copy of the regular utility patent application, the declaration and power of attorney, and an assignment form to Mr. Gage for his review and execution. See cover letter of April 5, 2002 (Exhibit 1) and UPS shipping document (Exhibit 2.)
5. However, Mr. Gage refused to execute the declaration and power of attorney and the assignment in response to a request by Mr. Buntine in an email of April 12, 2002 (see Exhibit 3.)

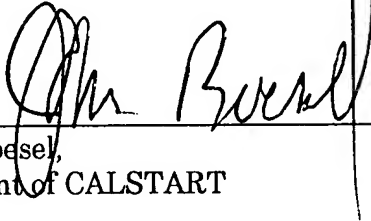
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Application No. 10/036,180

6. I thereafter followed up with Mr. Gage on or about May 10, 2002 via email (see Exhibit 3), wherein I asked Mr. Gage reconsider his refusal and execute the declaration and power of attorney and the assignment document. In a response via email on May 28, 2002, (see also Exhibit 3), Mr. Gage reiterated his refusal to to execute the declaration for patent application and the assignment.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 30, 2002

By: 
John Boesel,
President of CALSTART

DRKdrk

DRK PAS439613.1.*-6/5/02 11:15 AM



WestStart.



Advanced Transportation Technologies
Clean Transportation Solutions

www.weststart.org
www.ca4start.org

Board of Directors

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Santa Barbara MTD

Mr. John Boesel
WestStart-CALSTART

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BAE Systems Control

Dr. Chung Liu
South Coast Air Quality
Management District

Mr. Rick Morrow
The Gas Company

Mr. Alan Niedzwiedzki
QUANTUM Technologies
World Wide Inc.

April 5, 2002

Mike Gage
990 Avenida De Amistad
Santa Fe, New Mexico 87505


Dear Mike:

I am resending you a complete copy of the patent application specification and drawings on the Automated Multi-User Package Retrieval and Storage System for the Delivery Node invention, as well as the declaration and power of attorney and the assignment document for same.

I ask you to reconsider your position of refusing to sign the declaration and power of attorney and the assignment document, and to take this opportunity to execute the declaration and power of attorney and the assignment document. The assignment document should be executed before a notary. Please return these signed documents to me at your early convenience, and by no latter than advance of April 15, 2002.

In case you haven't changed your mind and still refuse to sign these documents, please also let me know.

Sincerely,



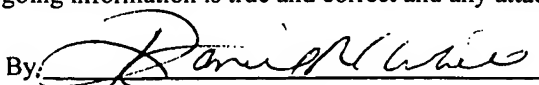
Chris Buntine

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RECORDATION FORM COVER SHEET
PATENTS ONLYBox Assignment
Commissioner of Patents and Trademarks
Washington, D.C. 20231Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof:

1. Name of conveying party(ies): Christopher D. Buntine Additional name(s) of conveying party(ies) attached: no	2. Name and address of receiving party(ies): Name: CALSTART Street Address: 2181 E. Foothill Boulevard Pasadena, California 91107		
3. Name of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: May 1, 2002	Additional name(s) & address(es) attached? no		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: . <table border="0"> <tr> <td data-bbox="77 982 732 1136"> A. Patent Application No.(s) 10/036,180 </td> <td data-bbox="732 982 1562 1136"> B. Patent No.(s) </td> </tr> </table> Additional numbers attached? no		A. Patent Application No.(s) 10/036,180	B. Patent No.(s)
A. Patent Application No.(s) 10/036,180	B. Patent No.(s)		
5. Please return the recorded document and address all correspondence to: CHRISTIE, PARKER & HALE, LLP P.O. Box 7068 Pasadena, CA 91109-7068 Attention: Daniel R. Kimbell	6. Total number of applications and patents involved..... 1 7. <input checked="" type="checkbox"/> Total fee enclosed (37 CFR 3.41): \$ 40.00 8. <input checked="" type="checkbox"/> Any deficiency or overpayment of fees should be charged or credited to Deposit Account No. 03-1728, except for payment of issue fees required under 37 CFR § 1.18. Please show our docket number with any credit or charge to our Deposit Account.		
10. <input type="checkbox"/> Explanatory letter is enclosed.			
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Date: July 10, 2002 By:  Name: Daniel R. Kimbell 626/795-9900 <div style="display: flex; justify-content: space-between;"> <div data-bbox="194 1638 682 1806"> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231 ON</p> <p>DATE <u>7-10-02</u> SIGNATURE <u>[Signature]</u></p> </div> <div data-bbox="730 1701 1250 1785"> <p>07/10/2002 RWDNDAF1 00000157 10036180</p> <p>03 FD:581</p> </div> <div data-bbox="1218 1596 1559 1806"> <p>RECEIVED JUL 22 2002 OFFICE OF PETITIONS</p> </div> </div> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"> <div data-bbox="747 1806 1234 1869"> Total number of pages including cover sheet, attachments, and document: </div> <div data-bbox="1445 1806 1559 1869" style="border: 1px solid black; padding: 2px;"> 3 </div> </div>			

DRK/eaj

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ASSIGNMENT

COPY Joint

WHEREAS, WE, MICHAEL J. GAGE and CHRISTOPHER D. BUNTINE, residing at 990 Avenida De Amistad, Santa Fe, New Mexico 87505 and 1773 Roosevelt Avenue, Altadena, California 91001, respectively, have invented certain new and useful improvements disclosed in an application for United States Letters Patent entitled **AUTOMATED MULTI-USER PACKAGE RETRIEVAL AND STORAGE SYSTEM**, filed December 28, 2001, Application No. 10/036,180.

AND WHEREAS CALSTART, a California nonprofit organization, having a place of business at 2181 E. Foothill Boulevard, Pasadena, California 91107 (hereafter, together with any successors, legal representatives or assigns thereof, called "ASSIGNEE") wants to acquire the entire right, title and interest in and to said improvements and application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over to ASSIGNEE the entire right, title and interest in and to said improvements, and said application and all divisions and continuations thereof, and all United States Letters Patents which may be granted thereon and all reissues, reexaminations and extensions thereof, and all priority rights under all available International Agreements, Treaties and Conventions for the protection of intellectual property in its various forms in every participating country, and all applications for patents (including related rights such as utility-model registrations, inventor's certificates, and the like) heretofore or hereafter filed for said improvements in any foreign countries, and all patents (including all continuations, divisions, extensions, renewals, substitutes, and reissues thereof) granted for said improvements in any foreign countries; and we hereby authorize and request the United States Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents on applications as aforesaid, to issue all patents for said improvements to ASSIGNEE in accordance with the terms of this Assignment;

AND WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to ASSIGNEE any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute and reissue applications, make all rightful oaths and generally do everything possible to aid ASSIGNEE to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of ____, 20____.

Michael J. Gage

STATE OF)
COUNTY OF)

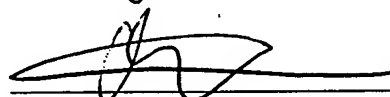
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On _____, before me _____, Notary Public, personally appeared Michael J. Gage personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

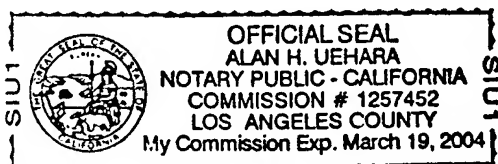
IN TESTIMONY WHEREOF, I hereunto set my hand this 1st day of May, 20 02.



Christopher D. Buntine

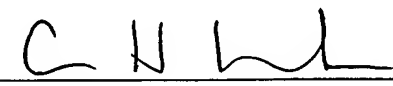
STATE OF California)
COUNTY OF Los Angeles)

On MAY 1, 2002, before me ALAN H. UEHARA, Notary Public, personally appeared Christopher D. Buntine personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



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WITNESS my hand and official seal.



Signature of Notary

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